

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHELIA POWELL,

Plaintiff,

V.

Case No. 2:20-cv-02856-JTF-atc

**BAPTIST MEMORIAL HOSPITAL,
ET AL.,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT BAPTIST MEMORIAL HOSPITAL’S
MOTION FOR SUMMARY JUDGMENT**

Before the Court is Defendant Baptist Memorial Hospital's ("Baptist") Motion for Summary Judgment, filed on August 15, 2022. (ECF No. 66.) Plaintiff Shelia Powell filed a Response on September 19, 2022 (ECF No. 69) as well as additional support on September 20, 2022. (ECF No. 70.) Baptist filed a Reply on October 11, 2022. (ECF No. 76.) The Magistrate Judge issued a Report and Recommendation ("R & R") to Grant Defendant's Motion for Summary Judgment on February 22, 2023. (ECF No. 85.) Plaintiff filed her Objections to the R & R on March 13, 2023. (ECF No. 86.) Defendant Baptist filed a Response to the Objections on March 27, 2023. (ECF No. 87.)

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28

U.S.C. § 636(b)(1)(A). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2). A failure to file specific objections to a Magistrate Judge’s report does not meet the requirement of filing an objection at all. *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991); *McCready v. Kamminga*, 113 Fed. App’x. 47, 49 (6th Cir. 2004). However, “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes. The district court is not required to review, and indeed “should adopt[,] the findings and rulings of the Magistrate Judge to which no specific objection is filed.” *Brown v. Bd. of Educ. of Shelby Cty. Sch.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014) (*citing Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The Court closely reviewed and considered Plaintiff’s Response to the Motion for Summary Judgment, the Report and Recommendation (“R&R”) and Plaintiff’s objections. After review, it is clear that Plaintiff’s objections to the R & R are merely a restatement and resubmission of arguments made in her summary judgment response. (ECF No. 69-1.) Although Plaintiff points to several provisions in the R & R, her objections simply restate the arguments put forth in Plaintiff’s Response to the Summary Judgement Motion. These arguments were considered at length in the R & R issued by the Magistrate Judge. (*See* ECF Nos. 69-1 & No. 86.) Because Plaintiff’s objections contain nothing new for the Court to consider, the Court treats the matter at hand as if no objections were filed.

The Magistrate Judge found that Plaintiff did not exhaust her administrative remedies for an age discrimination claim, nor did Plaintiff state a *prima facie* case of race discrimination. (ECF No. 85, 15 & 29.) As a result, the Magistrate Judge recommends that Baptist's Motion for Summary Judgment be granted in its entirety. (ECF No. 85.) The Court agrees. After a full review of pertinent portions of the record, and in the absence of any specific objections by Plaintiff, the Court finds that the R & R should be **ADOPTED**.

CONCLUSION

In the absence of any specific objections and having satisfied itself that there is no clear error on the face of the record, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation and **GRANTS** Baptist's Motion for Summary Judgment as to all Plaintiff's claims.

IT IS SO ORDERED this 18th day of April, 2023.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE